

REMARKS

Applicant has carefully reviewed the Application in light of the Final Office Action dated May 5, 2005. Claims 1-26 are pending and stand rejected. Applicant has amended Claims 1, 13, 14, and 22 and Claims 27-36 were added. Applicant respectfully submits that no new matter was added by these amendments and new claims. For the reasons provided below, Applicant submits that the pending claims are patentably distinguishable over the cited reference. Therefore, Applicant respectfully requests reconsideration and favorable action in this case.

Examiner Interview

In a telephonic interview with the Examiner on October 5, 2005, Applicant discussed potential amendments to the claims to overcome the 103 rejections. During the interview, the Examiner acknowledged that the cited art likely did not teach the suggested amendments, as discussed below.

Section 103 Rejections

The Examiner has rejected Claims 1-26 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,191,695 to Hiyoshi Tatsuno ("*Tatsuno*") in view of Japanese Patent No. 57,022,947 by Hiyoshi Tatsuno ("*Tatsuno II*"). Applicant respectfully traverses these rejections for the following reasons.

For example, *Tatsuno* and *Tatsuno II* fail to teach each and every limitation of the claimed invention. Indeed, Claim 1 recites, "an ignition source detector operable to directly detect an ignition source in proximity to the fuel dispenser and, in response to detecting an unwanted ignition source, transmit a detection signal indicating the presence of the unwanted ignition source, wherein the ignition source detector is located on the fuel dispenser." In particular, Claim 1 recites "an ignition source detector operable to directly detect an ignition source in proximity to the fuel dispenser." The combination of *Tatsuno* and *Tatsuno II* fails to teach detecting an ignition source in proximity to a fuel dispenser and, once detected, inhibiting fuel dispensing. First, *Tatsuno II* merely teaches a fire sensor for detecting an existing fire at the

fuel station not in a proximity to the fuel dispenser. *Tatsuno II* wrote, "When a fire arises, the fire sensor among 10, 10', 10'' relay in the control circuit, and the gasoline filling devices 3, 3', 3'', are disconnected from the power source." ABSTRACT, *Tatsuno II*. Second, *Tatsuno II* merely teaches shutting down all dispensers at the fuel station not the fuel dispenser that is in proximity to the fire. Accordingly, the combination of *Tatsuno* and *Tatsuno II* fail to teach each and every limitation of the claimed invention.

Independent Claims 13, 14, and 22 recite limitations that are similar, although not identical, to the limitation of Claim 1 discussed above. Therefore, these claims as well as their dependents are allowable for reasons analogous to those discussed above in connection with Claim 1.

New Claims

Applicant has added new Claims 27-36. The combination of *Tatsuno* and *Tatsuno II* also fail to teach each and every limitation of Claim 27 and its dependents. In particular, Claim 27 recites that the ignition source detector is operable to detect sparks or embers. Neither *Tatsuno* nor *Tatsuno II* teach detecting a spark or ember. In fact, the combination of *Tatsuno* and *Tatsuno II* merely teaches detecting fires. Accordingly, Applicant submits that the Claim 27 and its dependents are allowable over the *Tatsuno*- *Tatsuno II* combination.

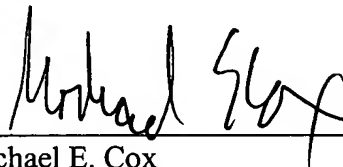
CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicant respectfully requests full allowance of all Claims.

If the present application is not allowed and/or if one or more of the rejections is maintained, Applicant hereby requests a telephone conference with the Examiner and further requests that the Examiner contact the undersigned attorney to schedule the telephone conference.

A check in the amount of \$1490.00 is enclosed for this Request for Continued Examination (RCE) and the additional claims, along with a check in the amount of \$450.00 for a two-month extension of time. Although no other fees are believed to be due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to deposit account 06-1050.

Respectfully submitted,



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